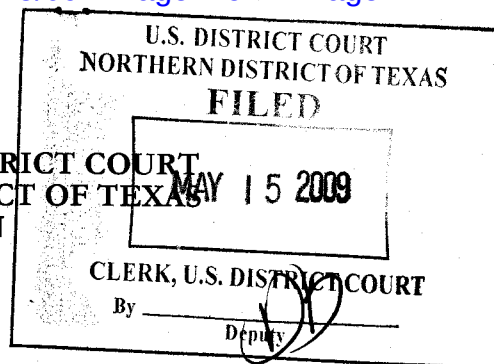


ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



JENNIFER DANIELS

VS.

MERCHANTS ASSOCIATION  
COLLECTION DIVISION, INC. d/b/a  
MAF Collection Services

CIVIL ACTION NO.

# 31232

JURY TRIAL DEMANDED

**3-09CV-909-P**

COMPLAINT

### JURISDICTION

1. The jurisdiction of this Court attains pursuant to the Fair Credit Reporting Act, 15 U.S.C. §1681(p) ("FCRA") and the Fair Debt Collection Practices Act, 15 U.S.C. §1692 ("FDCPA") Venue lies in the Dallas Division of the Northern District of Texas as Plaintiff's claims arose from acts of the Defendant perpetrated therein.

### PARTIES

2. Plaintiff, Jennifer Daniels, is a natural person who resides in Dallas County, Texas and is a "consumer" as defined by 15. U.S.C. §1681a(c) of the FCRA and 15 U.S. C. §1692a(3). Plaintiff is a resident and citizen of the State of Texas.

3. Defendant, Merchants Association Collection Division, Inc. is a corporation organized under the laws of the State of Florida and may be served with process by serving its registered agent for service of process: National Registered Agents, Inc., 16055 Space Center, Suite 235, Houston, Texas 77062.

### FACTUAL ALLEGATIONS

4. On or about July, 2008, Plaintiff mailed a written dispute to Experian of two accounts being reported by Defendant on Plaintiff's credit report.

5. Defendant mailed a letter to Plaintiff, dated July 24, 2008 in which it stated it was

verifying the account.

6. Defendant mailed a letter to Plaintiff, dated July 29, 2008, claiming to have concluded its review of Plaintiff's dispute in accordance with the Fair Credit Reporting Act, and verified the account.

7. Defendant mailed a letter to Plaintiff, dated July 30, 2008, attempting to collect an alleged debt owed to Tallahassee Memorial Hospital from Plaintiff.

8. Defendant mailed a letter to Plaintiff, dated August 1, 2008, claiming that it could not conduct an investigation because Plaintiff did not supply sufficient information.

9. Defendant mailed a letter to Plaintiff, dated August 4, 2008, claiming that the balance sought to be collected remains due.

10. On September 30, 2008, Defendant sent a communication to Plaintiff, claiming it had 7 separate accounts to collect from Plaintiff. Defendant would not identify the accounts to Plaintiff.

11. Plaintiff does not owe the medical debts attempting to be collected by Defendant.

12. Despite the written dispute, the inaccurate debts continue to be reported on Plaintiff's credit report.

13. Knowing the accounts were disputed, Defendant sold the account(s) to a different debt collector/debt buyer.

14. The first notice Plaintiff had of the alleged debts Defendant was trying to collect from Plaintiff, was the entry on her credit report.

## **CAUSES OF ACTION**

### **COUNT I**

15. Plaintiff realleges and incorporates paragraphs 1 through 14 above as if fully set out herein.

15. MAF Collection Services violated the Fair Credit Reporting Act, 15 U.S.C. §1681s-2(b) by publishing the MAF Collection Services representation within Plaintiff's credit file with one or more

credit reporting agencies; by failing to fully and properly investigate the Plaintiff's dispute of the MAF Collection Services representation; by failing to review all relevant information regarding same; by failing to correctly report results of an accurate investigation to each credit reporting agency; and by failing to permanently and lawfully correct its own internal records to prevent the re-reporting of the MAF Collection Services representations to the consumer reporting agencies.

15. As a result of this conduct, action and inaction of MAF Collection Services the Plaintiff suffered damage by loss of credit, loss of the ability to purchase and benefit from credit, the mental and emotional pain and anguish and the humiliation and embarrassment of credit denials.

16. MAF Collection Services's conduct, action and inaction was willful, rendering it liable for actual or statutory and punitive damages in an amount to be determined by the Court pursuant to 15 U.S.C. §1681n. In the alternative, it was negligent, entitling the Plaintiff to recover actual damages under 15 U.S.C. §1681o.

17. The Plaintiff is entitled to recover costs and attorney fees from MAF Collection Services in an amount to be determined by the Court pursuant to 15 U.S.C. §1681n and §1681o.

## COUNT II

18. Defendant MAF Collection Services is a debt collector as defined by the Fair Debt Collection Practices Act, 15 U.S.C. §1692a(6).

19. The conduct described above constitutes clear violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq and 1692e, by failing to set forth, in its written communications with Plaintiff, the statements and notices required 15 U.S.C. §1692g(a)(1)-(5).

20. Defendant MAF Collection Services has violated 15 U.S.C. §1692g(a) by failing to, within 5 days of its initial communication with the debtor (its report on Plaintiff's credit report) send Plaintiff a written notice setting forth the requirements of 15 U.S.C. §1692g(1)-(5).

36. Defendant has violated 15 U.S.C. §1692e(2)(A) by falsely representing that Defendant owes the alleged debt..

37. Defendant has violated 15 U.S.C. §1692g by failing to validate the debt.

39. Defendant has violated 15 U.S.C. §1692g(b) by failing to note the account as disputed on Plaintiff's credit report, following receipt of Plaintiff's written dispute.

40. Defendant has violated 15 U.S.C. §1692g by continuing to collect the debt, without verifying the debt, after Plaintiff disputed the debt.

41. Defendant's actions outlined above were undertaken wilfully with the deliberate intention of inflicting injury upon Plaintiff and with knowledge of the probable results of its actions. In the alternative, Defendant's actions constituted reckless and heedless disregard of Plaintiff's rights, welfare, and personal well being and resulted from the conscious indifference of Defendant to Plaintiff's rights, welfare and safety.

### COUNT III

42. Plaintiff realleges and incorporates paragraphs 1 through 41 above as if fully set out herein.

43. In violation of Tex. Fin. Code §392.101, the Defendant engaged in debt collection in Texas without first obtaining a surety bond (as required by Tex. Fin. Code §392.101) and filing a copy thereof with the Texas Secretary of State.

44. In violation of Tex. Fin. Code §392.301(a)(8) the Defendant threatened to take (and/or did take) an action prohibited by law.

45. In violation of Tex. Fin. Code §392.303(a)(12), Defendant misrepresented that a consumer debt may be increased by the addition of attorney's fees, or other charges if a written contract or statute does not authorize the additional fees or charges.

### COUNT IV

46. Plaintiff realleges and incorporates paragraphs 1 through 45 above.

47. Pursuant to Tex. Fin. Code §392.404, the Defendant's violations of the Texas Debt Collection Practices Act also constitute a deceptive trade practice, Subchapter E, Chapter 17, Business

and Commerce Code ("DTPA"), and is actionable under that chapter.

48. The foregoing acts and omissions were undertaken on behalf of the Defendant by its respective officers, agents, or employees acting at all times relevant hereto within the scope of that relation

49. The foregoing acts and omissions of the Defendants were undertaken wilfully, intentionally, knowingly, and/or in gross disregard of the rights of the Plaintiff.

50. The foregoing acts and omissions of the Defendants were undertaken indiscriminately and persistently, as part of its regular and routine collection efforts, and without regard to or consideration of the identity of rights of the Plaintiff.

51. By reason of the allegations in this petition, the Texas Debt Collection Practices Act and Fair Debt Collection Practices Act, , Plaintiff is entitled to recover attorney's fees in a sum that is reasonable in relation to the amount of work expended for which Plaintiff sues herein. The attorney whose name is subscribed to this pleading has been employed to assist Plaintiff in the prosecution of this action.

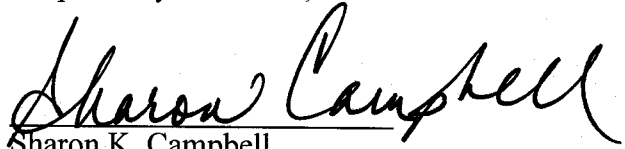
### **Prayer for Relief**

WHEREFORE, the Plaintiff prays that this Court:

1. Enter judgment in favor of Plaintiff and against Defendant for statutory damages, actual damages, costs, and reasonable attorney fees as provided by 15 U.S.C. §1681n & o, 15 U.S.C. §1692k(a) and/or Tex. Fin. Code Ann. §392.403.
2. Grant such further relief as deemed just.
3. Pre and post-judgment interest as allowed by law:

**TRIAL BY JURY IS DEMANDED.**

Respectfully submitted,

A handwritten signature in black ink, reading "Sharon Campbell", written over a horizontal line.

Sharon K. Campbell  
State Bar # 03717600  
3100 Monticello Ave., Suite 500  
Dallas, Texas 75205  
Telephone: 214/351-3260  
Fax: 214/265-7626  
Sharon@SharonKCampbell.com

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

Jennifer Daniels

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Sharon K. Campbell  
3100 Monticello Ave., Suite 500

## DEFENDANTS

Merchants Association Collection Division, Inc. d/b/a MAF  
Collection Services

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
PROPERTY INVOLVED

Attorneys (If Known)

## II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity.)  
15 U.S.C. 1681 and 15 U.S.C. 1692 - Fair Credit Reporting Act & Fair Debt Collection Practices Act

Brief description of cause:

failure to conduct reasonable investigation of alleged debt, continuing to collect debt not due, etc.

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

5-15-09 Sharon Campbell

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE